

**Bradley Beach Zoning Board of Adjustment  
Regular Meeting Minutes  
Thursday, November 18, 2021 at 6:00 PM**

Meeting is called to order by Chair Rosenberg.

The Board and the public recite the Pledge of Allegiance.

Open public meeting announcement is made by the Board Secretary.

**Roll Call:**

Present: Raymond Wade, Michael Affuso, John Eric Advento (arrived 6:30 PM), David Critelli, Deborah Bruynell, Dennis Mayer, and Harvey Rosenberg

Also Present: Mark Kitrick, Esq. – Attorney to the Board, Sam Avakian PE – Board Engineer, and Christine Bell, PP, AICP – Board Planner

Absent: Victoria Leahy & Lauren Saracene

**Executive Session:**

Mark Kitrick, Esq. reads resolution to enter into Executive Session to discuss possible litigation regarding 501 Lake Terrace, LLC – Motion is made by Chair Rosenberg and seconded by Dennis Mayer – all present in favor.

The Board returns and a motion is made by Chair Rosenberg to close executive session, seconded by Raymond Wade – all present in favor.

**Regular Meeting Opened:**

Chair Rosenberg recites the policy & procedure of the Board.

**Approval of Meeting Minutes:**

Regular Meeting Minutes of October 21, 2021 – Motion to accept offered by Dennis Mayer and seconded by Michael Affuso. All eligible members present in favor.

**Resolutions Memorialized:**

**Resolution 2021-20** – (Approval of Bulk Variances for Addition) – Matthew & Melissa O’Neill – Block 20, Lot 10 – 602 Ocean Park Avenue

**Resolution 2021-21** – (Approval of Bulk Variances for Addition) – Mark & Paula Rann – Block 49, Lot 12 – 507 Central Avenue

**Applications Considered:**

**ZB21/05 – (Bulk Variances for 2<sup>nd</sup> Floor Balcony w/Roof Over 1<sup>st</sup> Floor Porch) – Dennis & Sharon Luba – Block 89, Lot 5 – 600 Bradley Boulevard** – Applicant is seeking Bulk Variance approval for the proposed replacement of an existing deck on the west side of the dwelling and proposing porches along Bradley Boulevard which require relief for the proposed covered upper porch, side yard setback on the west side, and elevated deck being located in the side yard.

Dennis & Sharon Luba as well as Dennis Roberts of Rocon Construction are sworn in along with the Board Professionals.

Mr. Luba explains the intention of buying and renovating the house was to live in the house full-time and retire there. The proposed roof over the 2<sup>nd</sup> deck is for protection from the sun.

Michael Affuso – how did you get a C.O. without a walkway – it is indicated there is no mention of walkway in the application as it is for a covered porch on the 2<sup>nd</sup> floor.

Henry Machos – 209 Third Avenue – will hold comment.

Dennis Roberts – Rocon Construction – Builder – indicates when the review of the engineer was performed, all areas were reviewed instead of just the covered porch – all approvals are in place for all other work performed.

It is indicated there is no detriment to what is being requested.

Photos of three (3) other properties are shared with similar roofs over the 2<sup>nd</sup> floor porch.

It is the opinion of the Board that in this instance due to the existing setbacks and the location of the home on this particular property the variance requested may be appropriate.

Henry Machos – 209 Third Avenue – sworn in – indicates he owns the home at 601 Burlington and shares a property line with this property. He is in support of an approval. He believes it will look better and complete the look of the house.

A final statement is made by Mr. Luba.

**Based upon the testimony provided and the plans presented, Dennis Mayer makes a motion to approve the application as presented, seconded by Michael Affuso.**

**Those in Favor:** JohnEric Advento, Deborah Bruynell, Raymond Wade, Michael Affuso, David Critelli, Dennis Mayer, and Harvey Rosenberg.

**Those Absent:** Victoria Leahy & Lauren Saracene

**Those Recused:** None.

**Those in Opposition:** None.

**Those Abstained:** None.

**ZB21/15 – (Bulk Variances for 2<sup>nd</sup> Story Addition Over Existing Front Porch) – Alice Connolly – Block 18, Lot 6 – 509 Newark Avenue** – Applicant is seeking Bulk Variance approval for the proposed construction of a 2<sup>nd</sup> story addition over an existing front porch.

Alice & Tom Connolly as well as their architect Richard Villano, AIA are sworn in along with the Board's Professionals.

Ms. Connolly indicates they have been in Bradley Beach since 2002. She provides a description of what is being requested – a 10' x 18' room above the existing front porch. Existing conditions are described as well as increases in setbacks for the proposed construction.

Dennis Mayer asks about possibly extended to the rear instead of the front as he has concerns with the streetscape.

Deb Bruynell asks why the addition is proposed to be cantilevered. Ms. Connolly explains that her husband has a progressive disease and sometimes has balance issues so they needed more room around the bed.

Rich Villano, AIA – qualified and accepted by the Board. Mr. Villano describes the proposed addition.

Harvey Rosenberg asks about the back of the house – Mr. Villano indicates they would be losing a bedroom as they would have to walk through a bedroom to get to the new room.

Michael Affuso questions if the 100-year old porch on the front of the house will have to be reinforced in order to construction the proposed addition. It is indicates yes. Mr. Affuso explains he is struggling with why the addition cannot be placed in the rear, because a foundation is a foundation and if you have to reinforce the front why not construct the foundation in the rear and propose the addition there.

Ms. Connolly asks if she can revisit with her architect and possibly revise the plans and return to the Board.

**At this time it is agreed by the Applicant and the Board to carry this matter to December 16, 2021 in order to revise the plans with no further notice being required. All in favor.**

**ZB21/13 – (Bulk Variances for Addition) – Kristie L. Andresen – Block 43, Lot 15 – 500 Brinley Avenue** – Applicant is proposing to demolish the existing non-conforming accessory garage and to construct a residential addition including a new garage and covered patio to be attached to the existing residence. Applicant is represented by Jeffrey P. Beekman, Esq.

Kristie Andresen and Carolyn Young, AIA are sworn in along with the Board's Professionals.

It is indicated that the plans were revised on November 10, 2021 in response to the Board Professionals review letter.

The existing lot conditions are described. Kristie Andresen explains the reasons for the request for variance. They want to allow for a property entrance to their home that is to code. There are

current storage issues in the home and the basement is not always dry. A series of photos are described. The current garage is 1 ½ feet from the property line now. Would like to attach the new garage to the home and make a proper entrance as well as a porch along the Fletcher side. There is no adjoining property available for purchase in order to make this lot conforming.

Michael Affuso questions the some of the changes made to the plans.

Carolyn Young, AIA – qualified and accepted – Ms. Young describes the plans. She indicates the Brinley side of the property they are just removing existing impervious coverage. The remainder of the proposal is described. Would like to maintain the bungalow architectural style. With the revised plans the impervious coverage variance has been eliminated; therefore, only requesting variances for building coverage and rear yard setback. Approximately 3 cars can park onsite.

Christine Bell, PP, AICP – indicates that some of the conditions have improved and they are now only requesting 2 variances.

Michael Affuso asks the square footage of the proposed porch? Ms. Young indicates it is 144 square feet.

Jeffrey Beekman, Esq. provides a closing statement and requests the Board accept the proposal as revised.

**Based upon the testimony provided and the plans as revised on November 10, 2021, Harvey Rosenberg makes a motion to approve the application as presented with the revised plans, seconded by Dennis Mayer.**

**Those in Favor:** JohnEric Advento, Deborah Bruynell, Raymond Wade, Michael Affuso, David Critelli, Dennis Mayer, and Harvey Rosenberg.

**Those Absent:** Victoria Leahy & Lauren Saracene

**Those Recused:** None.

**Those in Opposition:** None.

**Those Abstained:** None.

**\*\*THE BOARD TAKES A 5 MINUTE BREAK AND RETURNS AT 8:14 PM – ROLL CALL TAKEN AND ALL MEMBERS PREVIOUSLY IN ATTENDANCE ARE STILL PRESENT\*\***

**ZB21/11 – (Use & Bulk Variances for New Structures) – James & Dorothy Frederick – Block 58, Lot 12 – 704 Fourth Avenue –** Applicant is seeking Use and Bulk Variances for the proposed construction of a new 2 ½ story dwelling & detached garage with apartment. Applicant is represented by Jeffrey P. Beekman, Esq. **\*\*CARRIED FROM 10/21/2021 MEETING WITH NO FURTHER NOTICE BEING REQUIRED\*\***

James & Dorothy Frederick, Joe Kociuba, PE, PP & David Feldman, AIA – are sworn in along with the Board Professionals.

James Frederick is the owner of the property.

Exhibit A-1 – Commercial Development Exhibit

Exhibit A-2 – Aerial Exhibit

Mr. Frederick describes the proposal of a new single family dwelling with detached garage. He indicates they are looking to reside there and feel it would be more appropriate than apartments as he feels it would be more conforming to the surrounding neighborhood.

Michael Affuso questions the circular driveway. It is explained they are not sure when or how it got there, but it is pre-existing.

Thomas J. Coan – 612 Third Avenue – Asks if the Lot number is 12? It is indicated yes. So it is not 12.01 or 12.02? No, it has been used mainly as a parking lot, there is no parking delineated and son works on motorcycles in the garage as he lives on the adjoining property.

David Feldman, AIA – qualified and accepted – indicates he has been tasked with designing a single-family home even though this property is located in the GBW Zone as it is mostly surrounded by residential. Mr. Feldman describes the proposal and feels this is a modest home with proposed 3 bedrooms and 2 ½ bathrooms. There is a proposed open floor plan for the first floor and Mr. Feldman proceeds to describe the breakup of the 2<sup>nd</sup> story and ½ story. The proposed detached garage is described with apartment (the first floor of the garage is proposed to be 700 s.f. while the apartment above is proposed at 566 s.f.).

Michael Affuso questions Lots 11 and 13 and if they are residences? It is indicated Yes, they are also zoned GBW.

Thomas J. Coan – 612 Third Avenue – questions the ½ story. It is indicated it is to be finished but not utilized as a bedroom.

William Psiuk – questions the building height and it is explained the height is permitted in the GBW Zone.

Joe Kociuba, PE, PP – Professional Engineer & Planner – Mr. Kociuba indicates he records show the lots date back to 1931 as existing. Mr. Kociuba describes the property and the surrounding area. The applicant is seeking to demolish the existing garage. The plan will be amended so as not to discharge stormwater toward neighboring properties.

Mr. Kociuba provides planning testimony and the special reasons supporting the application. He feels the site is suitable for this residential development as the surrounding areas are residential. It is particularly suited for this site considering the immediately adjacent properties and what a confirming use would look like.

Harvey Rosenberg asks how many apartments could fit? It is indicated a minimum of 6 apartments.

Michael Affuso asks why these properties are in the GBW Zone? The zoning process is explained.

Thomas J. Coan – 612 Third Avenue – questions the lot width of Lot 13? It appears they are all this size and odd shape and have existed since 1931. The parking area and the accessory structure are discussed.

Christine Bell questions the existing and proposed non-conformities.

Joseph Cammarata – 702 Fourth Avenue – sworn in – owner of Lot 11 and would prefer a single family home as he does not want a massive structure 10 feet from his house.

Kristin Deppe – 706 Fourth Avenue – sworn in – owner of Lot 13 – bought house 2 years ago and did not know they were located in a GBW Zone – houses surrounding this area and this block is mostly residential.

Paul Jansen – 409 Main Street – sworn in – owns Lots 7 & 8 – indicates he originally tried to find developers to purchase the lots and buy as commercial.

Jane DeNoble – 612 Third Avenue – indicates there are all homes in this particular block.

Thomas J. Coan – 612 Third Avenue – sworn in – refers to the proposed EDP Element.

William Psiuk – 110 Firth Avenue – sworn in – comments on the utilization of R-1 requirements in the GBW Zone – this is and has been the GBW Zone.

Harvey Rosenberg suggests if this goes through as all R-1 requirements to give some coverage back.

Questions are asked regarding the driveway and it is indicated the driveway is 2.25 feet from the side yard.

Jeff Beekman and his team take a break at 9:56 PM. They return and request to carry this matter in order to revise the plan and provide additional information for the Board's consideration.

**At this time it is agreed by the Applicant and the Board to carry this matter to December 16, 2021 in order to revise the plans with no further notice being required. All in favor.**

**Adjournment:**

**Next scheduled meeting will be our Regular Meeting on Thursday, December 16, 2021 which will begin at 6:30 PM and will take place here in the Municipal Complex Meeting Room.**

**With no further business before the Board, a motion to adjourn was offered by Chair Rosenberg and seconded by Michael Affuso, all in favor. Meeting closed at 10:10 PM.**

**Minutes submitted by Kristie Dickert, Board Secretary**